(1) 88-571

NO._____

FILED
MAR 7 1988
JOSEPH F. SPANIOL, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1988

—o—

JAMES HAROLD COSSETT PRO SE
AND
ROSA ANN COSSETT PRO SE

APPELLANTS

V.

MERCHANTS AND MECHANICS
FEDERAL SAVINGS & LOAN ASS.
AND
THE CONGRESSIONAL SUB-COMMITTEE ON COURTS
AND
THE STATE OF OHIO
AND
(ET.AL.CONTINUED)
ON PAGE III & IV

APPELLEES

—o—

ON APPEAL FROM
THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
OR
(EXCLUSIVE)

—o—

Jurisdiction Statement

IN ORIGINAL ACTION

—o—

JAMES H. & ROSA ANN COSSETT
P.O. BOX 191
BOWERSVILLE, OHIO 45307
(614) 948-2452

Questions Presented

Pursuant to [Ohio State Ex Rel. Schenck Vs Shattuck (1982) 1 Ohio St. 3d 272.] It is the Appellants' opinion that the precedence of this case constitutes conspiracy by the Ohio Judicial and Executive jurisdiction of power in order to ordain and establish imposture lawyer/judges to the bar of justice in the great state of Ohio constituting the overthrow of the United States Constitution.

(1) Under Article 3 Section 1, has the United States Congress retained exclusive jurisdiction of power to ordain and establish inferior state courts?

(2) Is it a denial of due process for a lawyer who is admitted to the bar to actively engage in the practice of law and impersonate a judge at the same time without the consent of the adverse parties for his own unjust compensation?

(3) Is it a denial of due process for a Judicial branch of Government, being the Ohio Supreme Court, to re-name judges after being ousted? In short, is it a conspiracy for judges to re-name one another to ordain and establish an inferior court?

(4) Does the aforementioned act constitute a violation of Article Six of the United

Questions Presented
CONTINUED

States Supremacy Clause?

(5) Does the aforementioned act constitute a violation of Amendment Fifteen, Section 1 Right to Vote Clause to Elect Judges? ..."the right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state."

LIST OF PARTIES

The Appellants are pro se litigants who are husband and wife and are citizens of these United States by birth and are as one estate:

James Harold Cossett

and

Rosa Ann Cossett

(and)

The Appellees are:

(Past) Governor of Ohio	Honorable James A. Rhodes
(Present) Governor of Ohio	Honorable Richard Celeste
(Past) Chief Justice Ohio Supreme Court	Honorable Frank D. Celebrezze
(Present) Chief Justice Ohio Supreme Court	Honorable Tom Moyer
Court of Common Pleas, Greene County Ohio	Impostor Judson L. Shattuck, Jr.
Greene County Prosecutor	William F. Schenck
Bankruptcy Chapter 7 Trustee	Imposture Lawyer/ Judge George W. Ledford
Merchants & Mechanics Federal Savings & Loan Ass.	President Gene Deptner
Attorney	Jerome M. Strozdas
Attorney	Thomas T. Taggart
Imposture Lawyer/ Judge	Nicholas A. Carrera
Imposture Lawyer/ Judge	J. T. Campbell

LIST OF PARTIES CONTINUED

Pursuant to Rule 28 - (4) "A" of this Court, Charles Fried, Solicitor General of the United States.

Congressional Sub-Committee on Courts

Chairman Mr. Robert W. Kastenmeier

Mr. Mike Synar

Mrs. Patricia Schroeder

Mr. George W. Crockett, Jr.

Mr. Bruce A. Morrison

Mr. Howard L. Berman

Mr. Rick Boucher

Mr. John Bryant

Mr. Benjamin L. Cardin

Mr. Carlos J. Moorhead

Mr. Henry J. Hyde

Mr. Dan Lungren

Mr. Michael DeWine

Mr. Howard Coble

Mr. D. French Slaughter, Jr.

IMPOSTURE

LAWYER/

JUDGES

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Constitutional Provisions involved

1. Amendment One of the United States Constitution provides in pertinent part:

   ..."and to petition the government for a redress of grievance."

2. Amendment Seven of the United States Constitution provides:

   "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

3. Amendment Fourteen, Section 1 of the United States Constitution provides in pertinent part:

   ..."No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

4. Amendment Fifteen, Section 1 of the United States Constitution provides:

   "The right of the citizens of the United States to vote shall not be

denied or abridged by the United States or by any state.

5. Article Three, Sections 1 and 2 of the United States Constitution provide in pertinent part:

Section One ..."The Congress may from time to time ordain and establish."

Section Two ..."and between a state or the citizens thereof," ..."and those in which a state shall be party; the Supreme Court shall have original jurisdiction;" ..."jurisdiction to controversies to which the United States shall be a party."

6. Article Six of the United States Constitution provides in pertinent part:

..."This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."

OPinion

Issues that were properly before the court, as an affirmative defense, fell on blind eyes and deaf ears. On December 15, 1987, the United States Court of Appeals for the Sixth Circuit issued an erroneous order which failed to address the whole issues to include a conspiratorial plot by the Executive and Judicial branches of the Ohio Government. The said appeal was dismissed for lack of jurisdiction. A copy of the order is reproduced as Appendix "A".

Erroneously, on January 15, 1988, by Issue of Mandate, the Court of Appeals returned the Appellants' case to the United States District Court where the Appellants had already appeared and had found that said Court lacked jurisdiction to grant relief. Exclusive jurisdiction is vested in the United States District Court in cases arising under Title 11; however, the United States District Court lacks jurisdiction in matters to include Executive and Judicial branches of Ohio State Government.

The Appellants are appealing to this High Court, who also lacks jurisdiction, without the United States Congressional Sub-Committee as Defendants.

On February 18, 1987. the Appellants demanded that the United States Bankruptcy Court refer this case to the proper jurisdiction of power---the Congressional Sub-Committee on Courts. Motion is reproduced as Appendix "B".

On March 2, 1987, the Appellants petitioned the Congressional Sub-Committee on Courts. Petition is reproduced as Appendix "C". It has now been over a year and the Congressional Sub-Committee on Courts, who sits like a lame duck with blind eyes and deaf ears, has abridged the Appellants' civil rights to the First Amendment..."to petition the government for a redress of griefance." The only forum which is left to hear this case is the United States Supreme Court.

statement of the issues

THERE ARE TWO ISSUES IN THIS CASE

ISSUE I

THERE HAS BEEN A CONSPIRACY TO OVERTHROW THE UNITED STATES CONGRESS TO ORDAIN AND ESTABLISH IMPOSTURE LAWYER/JUDGES TO THE BAR OF JUSTICE IN THE GREAT STATE OF OHIO.

ISSUE II

ON DECEMBER 6, 1984 IN CASE NO. 3-84-02054 BEFORE BANKRUPTCY JUDGE CHARLES A. ANDERSON, JAMES HAROLD COSSETT AND ROSA ANN COSSETT WERE INVOLUNTARILY FORCED INTO CHAPTER SEVEN BANKRUPTCY BY THE MERCHANTS AND MECHANICS FEDERAL SAVINGS AND LOAN ASSOCIATION. THIS FORCEFUL ACION WAS PREDICATED ON TWO SEPARATE AND DISTINCT ERRONEOUS JUDGMENTS BY IMPOSTURE LAWYER/JUDGES TO EXTORT $11,717.75 MINUS FIFTY CENTS.

MOREOVER, THESE TWO ISSUES IN THIS CASE ARE INTERLOCKING. THE INTEGRITY OF THIS ADMINISTRATION AND THE COURT SYSTEM REST ON LAWYERS BEING STOPPED FROM IMPERSONATING JUDGES.

Jurisdiction

This is a civil action for relief from malicious prosecution and consequential damages brought on by Merchants and Mechanics Federal Savings & Loan Association and imposture lawyer/judges.

The Appellants demand the return of their property located at 4289 Chippewa Trail, Jamestown, Ohio or the equivalent of $110,000.00 which is the replacement value of said propery which was taken without due process by a state court. Amendment Fourteen, Section 1 ..."nor shall any state deprive any person of life, liberty, or property without due process of law."

The Appellants demand the return of $31,920.91, plus interest, which was stolen from their estate by George W. Ledford while he was impersonating retired Judge Charles A. Anderson, United States Bankruptcy Court, by rubber stamp forgery. See amortization of interest as Appendix "D".

U.S.C. TITLE 28, SECTION 1254

(3) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

On December 15, 1987, the United States Court of Appeals for the Sixth Circuit denied the Appellants' motion to petition this Court for binding instructions or to certify the record of question for review of who is the proper jurisdiction for redress.

The Appellants' Notice of Appeal to this Court was filed with the United States Court of Appeals for the Sixth Circuit on January 15, 1988. A copy is reproduced as Appendix "E".

The exclusive jurisdiction[1] of this Court is invoked pursuant to Article Three, Section 2 ..."jurisdiction to controversies to which the United States shall be a party."

---

1. Exclusive jurisdiction of possession of the Appellants' estate should be in the possession of the United States District Court. [U.S.C. TITLE 28, Section 1334. Bankruptcy cases and proceedings, Federal Judgeship Act of 1984] (D) The District court in which a case under Title 11 is commenced or in pending shall have exclusive jurisdiction of all of the property, wherever located of the debtor as of the commencement of such case, and of the estate." The Appellants' estate is now in the possession of the Merchants and Mechanics Federal Savings & Loan Assn. and George W. Ledford who are named as parties to this action.

Statement of The Case

A. INTRODUCTION TO THE TRUTH OF WHAT IS HAPPENING IN OHIO COURTS TODAY

Due to the aforementioned conspiracy and abuse of power all over Ohio, attorneys-at law sit as judges and make judgement for their own unjust compensation. By Ohio law, there is no logal means by which to pay these imposture lawyer/judges other than adding monies to their judgements for their unjust compensation. This constitutes the denial of due process. This case has originated out of and before such practice by imposture lawyer/judges Messrs. J. Timothy Campbell, Judson L. Shattuck, Jr., Nicholas A. Carrera and George W. Ledford.

On or about March 1979, a verbal contract for barter was entered into by practicing attorney-at-law Nicholas A. Carrera and James Cossett. Mr. Cossett was to build a conference table and an approximate twelve foot book shelf for the office of Mr. Carrera in exchange for a property line dispute case. Work was done by both parties; however, Mr. Carrera decided that he wanted an additional $1,200.00 cash for his work.

On January 25, 1980, Mr. Carrera brought legal action against Mr. Cossett

and the case came to be heard in the Municipal Court of Xenia, Ohio. Sitting on the bench and clothed as a judge was none other than the plaintiff himself, practicing attorney-at-law, Nicholas A. Carrera. A legal judge was demanded for and the court was recessed for approximately ten minutes. Mr. Carrera walked across the street from the courthouse and returned with practicing attorney-at-law, Mr. J. Timothy Campbell. Court was called to order and Mr. Campbell had taken the bench and was clothed as a judge. Objections were made regarding the legality of Mr. Campbell; however, the objections were overruled by Mr. Campbell.

Being forced to take the stand, Mr. Cossett refused to speak but was threatened to be jailed for contempt. On or about February 19, 1981, C. J. 81-0135 was entered into the court record for $2,589.04.

By covert action, Judgment Entry C.J. 81-0135 was transferred to the Greene County Court of Common Pleas which was then to become a part of a new action by another imposture lawyer/judge. On or about July 1, 1982, a foreclosure action was being taken by the Merchants and Mechanics Federal Savings & Loan Assn., Springfield, Ohio against James and Rosa Ann Cossett over the disputed mortgage loan balance of the Cossett's

proptery located at 4289 Chippewa Trail, Jamestown, Ohio. Without their knowledge or consent of the Cossetts, Merchants and Mechanics had paid $2,589.04 to attorney, Nicholas A. Carrera, for his Certificate of Judgment 81-0135 and then added the $2,589.04 to the Cossett's mortgage balance and called it interest. Also, Merchants and Mechanics charged the same $2,589.04 to the account of Jonathan L. Frye.

On August 20, 1982, Mr. Cossett confronted Mrs. Mary McCormick, Vice President of Merchants and Mechanics, with the aforementioned action. Mr. Cossett paid Mrs. McCormick $3,000.00 (cash money) to be applied to Account No. 405771. The Cossetts were assured by Mrs. McCormick that there was no foreclosure action being taken. A copy of the $3,000.00 receipt is reproduced as Appendix "F".

During this same period of time, the foreclosure action was being continued before an imposture lawyer/judge whose name is Judson L. Shattuck, Jr., who on July 26, 1982 had been ousted from office. On September 8, 1982, while awaiting the overturn of his conviction, Judson L. Shattuck, Jr. stayed in office and gave an ex-parte, erroneous judgment to Merchants and Mechanics Federal Savings & Loan Assn. to extort

$11,717.75 which included the $2,589.04 Certificate of Judgment 81-0135. On September 15, 1982, the Ohio Supreme Court overturned Shattuck's conviction. The September 8, 1982 82-C.J. 0793 is reproduced as Appendix "G". The Cossetts learned of this action by reading a Sheriff's Sale advertisement in the Xenia Gazette newspaper. The receipt for $3,000.00 was presented to the Sheriff by the Cossetts and the sale was stopped.

The Cossetts appealed from Judson L. Shattuck's judgment to the Greene County Court of Appeals and posted a $31,920.91 superseades bond. Said Court of Appeals was the very same Court that had ousted Shattuck from office. Moreover, they affirmed his erroneous judgment.

The Cossetts then appealed to the Ohio Supreme Court where jurisdiction was denied.

(B) EQUAL PROTECTION OF LAW "DENIED"

On September 21, 1984, the Cossetts filed a petition in Bankruptcy under Chapter 13. Mr. George W. Ledford was assigned as the Cossetts' trustee. The main reason for the Cossetts filing for Chapter 13 was for equal protection of the law and to litigate the two ex-parte erroneous extortion judgments by imposture lawyer/judges which were granted to Merchants and Mechanics in

a state court. While in voluntary Chapter 13 bankruptcy, the Appellants were **"DENIED"** their right to litigate the aforementioned judgment. Later Chapter 13 was dismissed on the Court's own motion. On November 8, 1984, the Appellants were served with a Summon on Complaint by Merchants and Mechanics. Copy of (Summons on Complaint)is reproduced as Appendix "H". Again the Appellants were **"DENIED"** their right to litigate the judgment in which the (Summons on Complaint) was predicated upon, constituting the denial of equal protection of the law.

[U.S.C. Title 11, Rule 1007] A bankrupt is not estopped from alleging the invalidity of a judgment because he has placed it on his schedule in the list of claims against him. [King vs. Pickett, 188, 32 LA, Ann, 1006] It is in no proper sense res adjudicata either as to the creditor or to the bankrupt and in another independent proceeding, it has no other force against the bankrupt than evidence of the truth of the statement. Also see [Horner vs. Hammer C.C.A. VA. 1918, 249 F 134].

On December 6, 1984, the Cossetts appeared in the United States Bankruptcy Court by the (SUMMONS) of Merchants and Mechanics and their attorney, Jerome M. Strozdas, who had on November 7, 1984

filed motion to force the Cossetts into Chapter 7 bankruptcy. In Courtroom 811 at 1:30 PM before Bankruptcy Judge Charles A. Anderson, a court reporter was present and taping the proceedings. Judge Charles A. Anderson sustained the motion. The assigned Chapter 13 trustee, George W. Ledford, was present. The Cossetts then moved the Court to remove George W. Ledford, Chapter 13 trustee, because of his hostile conduct. Judge Anderson sustained the Cossetts' motion and recorded into the record that a new Chapter 7 trustee would be appointed and no action would be taken pending a report from the new Chapter 7 trustee.

On or about February 1, 1985, Judge Anderson retired from government service and on or about January 1, 1985, Judge Anderson took leave time from office. On January 30, 1985, George W. Ledford, Esq., 9 West National Road, Englewood, Ohio 45322, impersonated retired Judge Anderson by rubber stamp forgery to appoint himself as the Cossetts' Chapter 7 trustee. A copy of the order appointing the trustee is reproduced as Appendix "I".

On March 27, 1985, George W. Ledford and co-conspirator, Howard Graham, used a rubber stamp of retired Bankruptcy Judge Ellis W. Kerr to steal $31,920.91 from the

Cossetts' estate. See two forged "Order for Turnover of Funds" reproduced as Appendixes "J" and "K". Also see Instruction Sheet reproduced as Appendix "L". Moreover, George W. Ledford destroyed the courtroom tapes of December 6, 1984 before Judge Charles A. Anderson, in which had in fact removed him as trustee to the Cossetts' estate. On May 23, 1985, newly appointed Bankruptcy Judge William A. Clark voluntarily gave false testimony from the bench "that the court reporter had forgotten to turn on the tape machine which was the reason that part of the tapes was missing".

This Court made it clear in the case of [Winthrow vs. Larkin, 421 U.S. 35, 95 S Ct 1456 (1975)] that a fair tribunal is a basic requirement of due process in administrative agency proceedings as well as the Court. [421 U.S. at P. 46] This Court went on to state "Not only biased decision maker constitutionally unacceptable but our system of law has always endeavored to prevent even the probability of unfairness".

In this involuntary bankruptcy action, the Cossetts were before a judge who was willing to lie and a trustee who had (1) appointed himself; (2) destroyed courtroom tapes; and (3) had stolen $31,920.91 by rubber stamp forgery. These acts more

than constitute bias and prejudice. Moreover, on April 23, 1986, Bankruptcy Judge William A. Clark granted relief from the Automatic Stay to Merchants and Mechanics to gain possession of the Cossetts' property without due process.

On November 8, 1986, Merchants and Mechanics reported to the Internal Revenue Service that the Cossetts had abandoned their property with a debt outstanding of $43,203.65 which is very close to the $42,866.00 correct balance that the Cossetts have been trying to pay Merchants and Mechanics since June 1982. A copy of "Abandonment of Property" is reproduced as Appendix "M".

On December 1, 1986, Governor Richard Celeste was informed of pending action by the Court of Common Pleas, Greene County, Ohio to evict the Cossetts from their home <u>without due process</u>. Governor Celeste neglected to take any action to protect the Cossetts' property and their constitutional right to due process of law. [Edelman vs. Jordan, 415 U.S. 651. (1974)] This Court has held "that even the governor of a state is liable for money damages and does not enjoy the absolute immunity of his sovereign".

On December 20, 1986, the Cossetts

were forced out of their home.

(C) PROCEDURAL HISTORY OF CONSPIRATORIAL PLOT

On March 18, 1982, Governor James A. Rhodes appointed Judson L. Shattuck, Jr. as judge. It is quite obvious Governor Rhodes had appointed an unqualified person in Shattuck. Governor Rhodes reported his choice of appointment for prosecution. On April 23, 1982, Ohio Attorney General Anthony Celebrezze received notice of Shattuck's appointment. A copy of Shattuck's appointment is reproduced as Appendix "N". This appointment should have been reported to the Ohio Senate for confirmation of appointment. As part of the aforementioned conspiratorial plot (Case No. 82-CA-29), William F. Schenck, Greene County Prosecutor, brought an original action against Shattuck in the Greene County Court of Appeals. The case originated in said Court only to set the stage for the Ohio Supreme Court to re-name Shattuck. The defense attorney for Shattuck was J. Timothy Campbell, 260 N. Detroit Street, Xenia, Ohio 45385. Practicing attorney, J. Timothy Campbell, came to court with dirty hands in order to prejudice his own position for he has been acting as an imposture lawyer/

judge since 1980. When the case came to be heard on appeal before the Ohio Supreme Court, Prosecuting Attorney William F. Schenck enjoined as pro se for appellants to help the Ohio Supreme Court overturn a conviction he had just won.

The Ohio Supreme Court held "that the employment of a referee constitutes the practice of law". If Shattuck was practicing law while he was employed as a referee, he is guilty of [U.S.C. Title 28, Section 607]. An officer or employee of the administrative office shall not engage directly or indirectly in the practice of law in any court of the United States. (June 25, 1948 c. 646 §62 Stat 915). What all this rationale in reality means is that the employment of a practicing lawyer legalizes the impersonation of a judge while practicing law at the same time.

(D) TIMELY DEMANDS FOR JURY TRIAL "DENIED"

On February 20, 1986, biased and prejudiced Bankruptcy Judge William C. Clark denied the Cossetts' timely demands for a trial by jury. Judge Clark ruled that the Cossetts voluntarily petitioned for Chapter 7 bankruptcy. The court record of December

6, 1984 **SUMONS** already marked as Appendix "H" clearly shows that the Cossetts **DID NOT** voluntarily petition for Chapter 7 bankruptcy but were **SUMMONED**. A copy of Decision and Order denying debtor's request for jury trial is reproduced as Appendix "O". The Cossetts were **NEVER** unwilling or unable to pay their honest debts.

The United States Constitution Bill of Rights guarantees the Cossetts a trial by jury. Amendment VII; "In suits of common law, where the value in controversy shall exceed twenty dollars,the right of trial by jury shall be preserved"... **(ABSOLUTELY)**. "If demand for jury is timely made in proceedings commenced by involuntary petition in bankruptcy, the right is **ABSOLUTE**/" [Wynne v. Rochelle, C.A. Tex, 1967, 385 F. 2d 789]. On this issue, the table of authorities are too long to make mention.

The questions Are Substantial

It is quite obvious that the answers to the questions for review should come from the proper jurisdiction of power which is the United States Congressional Sub-Committee on Courts. The Cossetts request that the appeal be heard with briefs from the respective parties, who the Cossetts believe to be derelict in their duties.

Congressman Kastenmeier
" Synar
Congresswoman Schroeder
Congressman Crockett
" Morrison
" Merman
" Boucher
" Bryant
" Cardin
" Moorhead
" Hyde
" Lungren
" DeWine
" Coble
" Slaughter, Jr.

These answers are pertinent to the full adjudication of equal protection of the law, due process and in order that this case can be declared res adjudicata.

Conclusion

The Cossetts properly raised substantial, federal constitutional questions in Issues I and II as affirmative defenses to charges and convictions brought against them in the State Courts and the United States Bankruptcy Court.

The Cossetts have had to give their economic wealth in order to expose those self-serving persons who seek to destroy the judicial process. It goes without saying that a man cannot be a judge of his own case, but in the great state of Ohio, it came very,very close in [Ohio State Ex Rel Schenck vs. Shattuck (1982) 1 Ohio St. 3d 272].

WHEREFORE, the Cossetts respectfully bring this Appeal and request this Court docket the same and, if necessary, to an understanding of Issues I and II of this Appeal, order the Ohio Supreme Court to issue an opinion on the constitutional Issues I and II herein presented.

The Cossetts wish to thank this Court for its consideration in these matters.

JAMES H. COSSETT and ROSA ANN COSSETT
P. O. Box 191
Bowersville, OH 45307
(614) 948-2452

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APPENDIX "A"

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JAMES & ROSA COSSETT, NO. 87-3509

Debtors-Appellants,

v.

MERCHANTS & MECHANICS FEDERAL SAVINGS & LOAN ASSOCIATION,

Creditor-Appellee.

O R D E R

FILED
DEC. 15, 1987

BEFORE: LIVELY, Chief Judge; JONES and GUY, Circuit Judges.

The debtors have filed three motions on appeal from the district court's order in this bankruptcy case. The debtors move for permission to petition the Supreme Court, move for the recovery of certain monies, and move for a stay of bankruptcy court proceedings. This appeal has been referred to a panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit. After an examination of the record and the briefs, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

The creditor filed a motion requesting the bankruptcy court to abstain from taking jurisdiction over the proceeds of an appeal bond in the state courts. The bankruptcy court submitted proposed find-

ings of fact and conclusions of law recommending that the motion to abstain be denied. The debtors filed objections to the recommendation. The district court overruled the objections and adopted the bankruptcy court's recommendation that the motion to abstain be denied.

On appeal, the creditor argues that the debtors lack standing to prosecute this appeal, that the debtors have appealed from a nonappealable order, and that the debtors have failed to raise any valid issue concerning the motion to abstain. We agree with the creditor that the debtors have appealed from a nonappealable order.

Under 28 U.S.C. § 1291, this court possesses jurisdiction over final orders of the district court. A final order generally is one which ends the litigation on the merits and leaves nothing for the court to do but to execute judgment. Catlin v. United States, 324 U.S. 229, 233 (1945). A decision not to abstain is not a final decision under 28 U.S.C. § 1291. RRI Realty Corp. v. Incorporated Village of Southhampton, 766 F.2d 63, 65 (2d Cir 1985). The decision not to ab-

stain is merely a step toward final judgment. 766 F.2d at 65. Therefore, this court lacks jurisdiction over the appeal.

The three motions of the debtors are denied. The appeal is dismissed for lack of jurisdiction under Rule 9(b)(1), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

SIGNATURE
JOHN P. HEHMAN, Clerk

ISSUED AS MANDATE: January 15, 1988
COSTS: None

APPENDIX "B"

IN RE:	INVOLUNTARY CHAPTER 7 BANKRUPTCY CASE NO. 840-2054
JAMES H. COSSETT, PRO SE ROSA ANN COSSETT, PRO SE	
VS	
IMPOSTURE LAWYER/JUDGES J. TIMOTHY CAMPBELL JUDSON L. SHATTUCK, JR. GEORGE W. LEDFORD	CONSPIRACY TO OVERTHROW THE UNITED STATES CONGRESS

MATTERS BEFORE THE COURT
ON FEBRUARY 18, 1987
1:30 P.M. - COURTROOM 811
(JUDGE WILLIAM A. CLARK)

FIRST ORDER OF BUSINESS:

1. On October 10, 1986, the Merchants & Mechanics Federal Savings & Loan Association filed Motion to this Court for abstention.

2. Prior to this Motion, on November 7, 1984, the Merchants & Mechanics Federal Savings & Loan Association filed Motion to force the Cossetts into a Chapter 7 involuntary bankruptcy predicated on two judgments by imposture lawyer/judges which did, in fact, extort $11,717.75 from the Cossetts.

Judgment No. I:

Court Journal 81-0135, Xenia Municipal Court by imposture lawyer/judge Mr. J. Timothy Campbell.

Judgment No. II:

Court Journal 82-0793, Court of

Common Pleas, Greene County, by imposture lawyer/judge Mr. Judson L. Shattuck, Jr. who was ousted from office on July 16, 1982 but never left.

George W. Ledford stole $32,139.87 from the Cossetts' estate by rubber stamp forgery while he was impersonating a judge.

This Court has claimed equity jurisdiction in these matters and has usurped the power from the United States Congress to ordain and establish imposture lawyer/judges to the benches of all Ohio courts.

In short, this Court does not and has never had such jurisdiction of power to honor such aforementioned judgments. The United States Congress ONLY has invested original jurisdiction in this District Bankruptcy Court and retained exclusive jurisdiction under Article III, Section I of the United States Constitution to ordain and establish inferior courts.

The Honorable Judge William A. Clark. United States Bankruptcy Court, Southern District of Ohio at Dayton has unlawfully, by equity jurisdiction only, ordained and established Messrs. Campbell, Shattuck, Ledford and others as judges.

The Cossetts now demand that this

Court refer this Case to the proper jurisdiction of power---the United States Congress.

Respectfully submitted,

JAMES H. & ROSA ANN COSSETT

APPENDIX "C"

James H. & Rosa Ann Cossett
4289 Chippewa Trail
Jamestown, OH 45385

March 2, 1987

Congressional Sub-Committee on Courts
2137 B. Rayburn House Office Bldg.
Washington, D.C. 20515

Attn: Ladies & Gentlemen
of this Sub-Committee and
all Members of the U.S. Congress

Re: Imposture Lawyer/Judges

On September 15, 1982, a conspiracy to overthrow the United States Congress did in fact take place by the Ohio Supreme Court who did, in fact, ordain and establish imposture lawyer/judges to all Ohio Courts.

Under Article III, Section 1, the United States Constitution, the Congress is the only jurisdiction power to ordain and establish inferior courts.

We are sick and tired of this act of conspiracy to be continued and of politicians who just plain don't give a damn.

All U. S. Congressmen who believe that we must have a separation of judges/lawyer and who are dead serious about upholding our United States Constitution

and Treaties thereunder, please write or call anytime for detailed information.

We offer our Affidavit for your inspection and demand that a positive action to uphold the United States Constitution be taken. We have been denied by the United States Supreme Court to accept jurisdiction in this matter which, therefore, leaves only the United States Congress.

Respectively,

SIGNATURE
JAMES & ROSA ANN COSSETT

APPENDIX "D"

AMORTIZATION OF INTEREST ON STOLEN MONEY

Principal Balance from April 19,1983		10% Per Annum Interest per Month
1983	$31,902.91	$ 97.57
April	11 days in April @ $8.87 per day	
May	32,018.48	266.82
June	32,285.30	269.04
July	32,554.34	271.29
Aug.	32,825.63	273.55
Sept.	33,099.18	275.83
Oct.	33,375.01	278.12
Nov.	33,653.13	280.44
Dec.	33,933.57	282.77
1984		
Jan.	34,216.34	285.13
Feb.	34,501.47	287.51
Mar.	34,788.98	289.90
April	35,078.88	292.32
May	35,371.20	294.75
June	35,665.95	297.21
July	35,963.16	299.69
Aug.	36,262.85	302.18
Sept.	36,565.03	304.70
Oct.	36,869.73	307.24
Nov.	37,176.97	309.79
Dec.	37,486.76	312.38
1985		
Jan.	37,799.14	314.99
Feb.	38,114.13	317.61
Mar.	38,431.74	320.26
April	38,752.00	322.93
May	39,074.93	325.62
June	39,400.55	328.33
July	39,728.88	331.07
Aug.	40,059.95	333.83
Sept.	40,393.78	336.61
Oct.	40,730.39	339.41
Nov.	41,069.80	342.24
Dec.	41,412.04	345.09

AMORTIZATION CONTINUED

1986		
Jan.	41,757.13	347.79
Feb.	42,105.10	350.87
Mar.	42,555.97	353.97
April	42,809.94	356.74
May	43,166.68	359.72
June	43,526.40	362.71
July	43,889.11	365.74
Aug.	44,254.85	368.79
Sept.	44,323.64	369.36
Oct.	44,693.00	372.44
Nov.	45,065.44	375.54
Dec.	45,440.98	378.67
1987		
Jan.	45,809.65	381.74
Feb.	46,191.39	384.92
Mar.	46,576.31	388.13
April	46,964.44	391.36
May	47,355.80	394.63
June	47,750.43	Not yet tabulated

App. 11

APPENDIX "E"

NO. 87-3509

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

JAMES AND ROSA COSSETT, Pro Se

APPELLANTS

NOTICE OF APPEAL

VS

MERCHANTS AND MECHANICS FEDERAL SAVINGS & LOAN ASSOCIATION

AND

GEORGE W. LEDFORD

APPELLEES

FILED JANUARY 15, 1988

Notice is hereby given that James Harold and Rosa Ann Cossett appeal to the United States Supreme Court. This case has a substantial Federal question in which the United States Supreme Court has retained original jurisdiction. Appellants are appealing from Entry made on December 15, 1987.

Respectfully submitted,

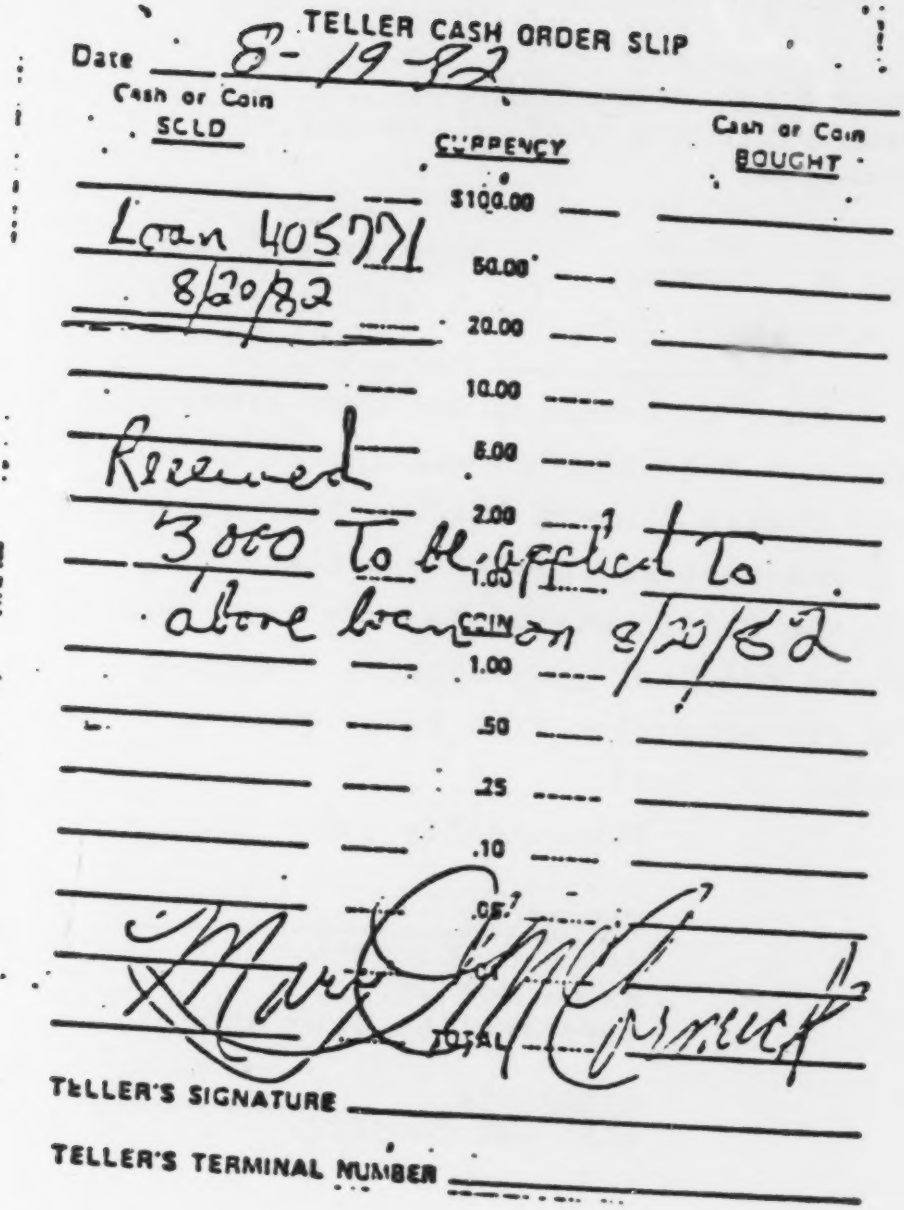
SIGNATURE

James H. Cossett
P. O. Box 191
Bowersville, Ohio 45307

SIGNATURE

ROSA ANN COSSETT

APPENDIX "F"



TELLER CASH ORDER SLIP

Date 8-19-82

Cash or Coin SOLD	CURRENCY	Cash or Coin BOUGHT
	$100.00	
Loan 405771	50.00	
8/20/82	20.00	
	10.00	
Returned	5.00	
	2.00	
3000 To be applied to	1.00	
above loan on 8/20/82	COIN	
	1.00	
	.50	
	.25	
	.10	
	.05	
	TOTAL	

TELLER'S SIGNATURE

TELLER'S TERMINAL NUMBER

APPENDIX "G"

CERTIFICATE OF JUDGMENT FOR LIEN
UPON LANDS AND TENEMENTS

I, Alice Klentzman, Clerk of the Court of Common Pleas of Greene County, Ohio hereby certify that on the 8th day of September 1982, a judgment or decree was rendered by said Court in favor of Merchants & Mechanics Fed. Svgs. & Loan Assoc., judgment creditor, and against James H. Cossett and Rosa Ann Cossett, judgment debtor, the amount of Forty nine thousand four hundred eight nine and 60/100 Dollars ($49,489.60) with interest at the rate of 11.0 per centum per annum from the 31st day of May, 1982, and Sixty seven and 50/100 Dollars ($67.50) costs, in a certain action then pending in said Court, No. 82CV413 on the docket thereof, entitled Merchants & Mechanics Fed. Svgs. & Loan Assn., Plaintiff, vs James H. Cossett et al, Defendant which said judgment or decree is entered in Journal No. 82-09, Page 2077/0279, said Court.

WITNESS my hand and the seal of said Court, this 1st day of October, 1982.

SIGNATURE/TYPED
ALICE KLENTZMAN

APPENDIX "H"

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re
James Harold Cossett
Rosa Ann Cossett
Debtor,

No. 3-84-02054

Merchants & Mechanics
% Jerome M. Strozdas, Attorney
310 M&M Bldg., P.O. Box 1406
Springfield, OH 45501
MOVANT(S)

Contested Matter (A)
All pleadings must carry this identification letter

VS

James Harold & Rosa Ann Cossett
4289 Chippewa Trail
Jamestown, OH 45335
RESPONDENT(S)

SUMMONS

You are hereby summoned and required to serve upon Jerome M. Strozdas, plaintiff's attorney, whose address is 310 M&M Bldg., P.O. Box 1406, Springfield, OH 45501 A MOTION OR AN ANSWER to the motion which is herewith served upon you ON OR BEFORE 10 Days from Date of Service, and TO FILE THE MOTION OR ANSWER WITH THIS COURT not later than the second business day thereafter. IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU for the relief demanded in the complaint. NOTICE IS HEREBY GIVEN that if responsive pleadings are filed the matter will come on for a preliminary or final hearing on 12-6-84 at 1:30 o'clock PM in Courtroom 811 in the Federal Building/U.S. Courthouse, 200 W. Second St., Dayton, OH 45402. If responsive pleading is not filed, respondent will be deemed to have consented to the lifting of the automatic stay.

Date of issuance: November 8, 1984

SIGNATURE/TYPED
ARNOLD M. MALECH

By: SIGNATURE
FRANK N. LE MAY

APPENDIX "I"

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: CASE NO.
JAMES HAROLD COSSETT 3-84-02054
275-28-0857
ROSA ANN COSSETT
273-34-5196

ORDER APPOINTING TRUSTEE

Pursuant to 11 U.S.C. § 701, it is ORDERED that George W. Ledford, Esq., 9 W. National Rd., Englewood, OH 45322, is hereby appointed trustee of the estate of the Debtor, and the Trustee's bond is fixed at $(covered by blanket bond).

Dated: January 30, 1985

RUBBER STAMP SIGNATURE
CHARLES A. ANDERSON

Copies to:

Trustee:
Debtor:
Attorney for Debtor

APPENDIX "J"

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

RE:	CASE NO.
JAMES H. COSSETT ROSA ANN COSSETT, SSN: 275-28-0857(H) 273-34-5196(W) Debtor	3-84-02054 (Chapter 7) ORDER FOR TURN-OVER OF FUNDS

This matter having come before the Court upon the Motion of the Trustee for a turnover of funds pursuant to 11 U.S.C. §§542 and 543, and no adverse interest appearing.

It is ORDERED that Ronald E. Vincent, Clerk of the Common Pleas Court of Clark County, Ohio turnover to George W. Ledford, Chapter 7 Trustee, 65 Heathcliff Road, Dayton, Ohio 45415, the Thirty One Thousand Four Hundred Twenty Dollars and 91/100 ($31,420.91) being held by the said Clerk in Fry, Inc. v. James Cossett, dba Cossett Construction Co., et al, Case No. 82 CIV 1659 and that said funds be held by the Trustee pending further orders of this Court.

RUBBER STAMP SIGNATURE
ELLIS W. KERR

SIGNATURE
George W. Ledford, Chapter 7 Trustee
SIGNATURE
Jerome M. Strozdas, Attorney for M&M
SIGNATURE
Barry Reich, Attorney for Fry, Inc.

APPENDIX "K"

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

RE:	CASE NO.
JAMES H. COSSETT ROSA ANN COSSETT, SSN: 275-28-0857(H) .273-34-5196(W) Debtor	3-84-02054 (Chapter 7) ORDER FOR TURN-OVER OF FUNDS

This matter having come before the Court upon the Motion of the Trustee for a turnover order, no adverse interest appearing.

It is ORDERED that Alice Klentzman, Clerk of the Common Pleas Court of Greene County, Ohio turnover to George W. Ledford, Chapter 7 Trustee, 65 Heathcliff Road, Dayton, Ohio 45415, the Five Hundred Dollars ($500.00) being held by the said Clerk in Merchants & Mechanics Federal Savings & Loan Association v. James H. Cossett, Case No. 82 CV 413 and that said funds be held by the Trustee pending further orders of this Court.

RUBBER STAMP SIGNATURE
ELLIS W. KERR

SIGNATURE
George W. Ledford, Chapter 7 Trustee

SIGNATURE
Jerome M. Strozdas, Attorney for M&M

SIGNATURE
R. H. Hammond, Attorney for Associates

APPENDIX "L"

Charles A. Anderson, Judge

Ellis W. Kerr
BANKRUPTCY JUDGE

The above two rubber stamp signatures that were used in Appendixes "I", "J" and "K" were, in fact, used as forgeries in order for George W. Ledford to attain the authority of retired judges Ellis W. Kerr and Charles A. Anderson.

APPENDIX " M"

NOTE:

It is of little value to the Cossetts now; nonetheless M&M has admitted to the I.R.S. that the Cossetts did not owe the trumped up amounts which they have been trying to extort through the state courts. Moreover, the Cossetts have lost their home and have had $31,920.91 stolen from their estate.

1 Lender's name, street address, city, state, and ZIP code ALLIANCE OHIO FEDERAL SAVINGS AND LOAN ASSOCIATION 201 SOUTH LINCOLN ST. SPRINGFIELD, OHIO 45502		OMB No. 1545-0877 Information Return for Copy B	Acquisition or Abandonment of Secured Property
Lender's federal identification number 31-0378000	Borrower's identification number	1 Date of lender's acquisition or knowledge of abandonment 11/20/86	2 Amount of debt outstanding 43,203.65	Calendar year 1986
Borrower's name (first, middle, last) JAMES COSSETT 3591 N LAKESHORE Dr JAMESTOWN OHIO 45335		3 Amount of debt satisfied 55,666.07	4 Fair market value of property at acquisition or abandonment 64,000.00 55,666.07	This information is being furnished to the Internal Revenue Service.
		5 Is borrower personally liable for repayment of the debt? ☒ Yes ☐ No		
Account number (optional) 02-04-09771 A		6 Description of property 4289 Chippewa Trail Jamestown, Ohio 45335		

1099-A

APPENDIX "N"

STATE OF OHIO

EXECUTIVE DEPARTMENT

OFFICE OF THE GOVERNOR

COLUMBUS

I, James A. Rhodes, Governor of the State of Ohio, do hereby appoint Judson L. Shattuck, Jr., Republican, Xenia, Greene County, Ohio, as Judge, Greene County Court of Common Pleas, for an unexpired term beginning March 18, 1982 and continuing until a successor is elected and has qualified, vice Herman J. Weber, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 12th day of April, in the year of our Lord, one thousand nine hundred and eighty-two.

SIGNATURE _____
Governor

APPENDIX "O"

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:	*	
JAMES HAROLD COSSETT	*	BANCRUPTCY CASE NO. 3-84-02054
ROSA ANN COSSETT	*	
DEBTORS	*	

DECISION AND ORDER DENYING DEBTORS' REQUEST FOR JURY TRIAL

This matter is before the court to consider the jury demand of James Harold Cossett and Rosa Ann Cossett, debtors in a Chapter 7 proceeding under title 11.

On September 21, 1984 the debtors filed a petition in bankruptcy under Chapter 13 of the Bankruptcy Code, but did not attach a plan. On October 10, 1984 the court granted to the debtors an extension of time to file their plan by November 15, 1984. Again, no plan was forthcoming. On November 19, 1984 the debtors' petition was dismissed for failure to file a plan. The debtors then filed a motion to reopen their case, and this motion was heard at the same time as a creditor's motion to dismiss the debtors' case or convert it to a proceeding under Chapter 7. At the conclusion of the hearing, the court re-

opened the debtors' case and ordered it converted to Chapter 7. On January 16, 1985 the debtors moved the court to reconvert the case to Chapter 13. By order of January 28, 1985 the court denied the debtors' motion on the basis that 11 U.S.C. § 706 precluded such conversion. It was also noted by the court in its order that a "lack of good faith is evidenced and further delay would constitute an abuse of the judicial process."

CONCLUSIONS OF LAW

The debtors contend that their bankruptcy case is involuntary and that they are therefore entitled to a trial by jury on the issue of insolvency.

As part of the Bankruptcy Reform Act of 1978, 28 U.S.C. § 1480 was enacted:

> § 1480 JURY TRIALS
>
> (a) Except as provided in subsection, this chapter and title 11 do not affect any right to trial by jury, in a case under title 11 or in a proceeding arising under title 11 or arising in or related to a case under title 11, that is provided by any statute in effect on September 30, 1979.
>
> (b) The bankruptcy court may order the issues arising under section 303 of title 11 to be tried without a jury.

Subsequently, 28 U.S.C. § 1411 was

enacted into law as part of The Bankruptcy Amendments and Federal Judgeship Act of 1984:

> (a) Except as provided in subsection (b) of this section, this chapter and title 11 do not affect any right to trial by jury that an individual has under applicable nonbankruptcy law with regard to a personal injury or wrongful death tort claim.
>
> (b) The district court may order the issues arising under section 303 of title 11 to be tried without a jury.

There currently exists a judicial controversy as to whether the earlier statute remains effective or was supplanted by the legislation of 1984. The court need not decide that issue at this time. Under either statute the debtors are not entitled to a trial by jury.

There is no doubt, that despite the debtors' invocation of this court's protection on two occasions, they no longer desire to be before this court. However, the present unwillingness of the debtors to proceed with the liquidation of their bankruptcy estate does not transform the matter into an "involuntary" proceeding commenced under the statutory provisions of 11 U.S.C. § 303.

Under § 303 an order for relief may

be granted if it appears that a debtor is generally not paying his debts or that a custodian was appointed within 120 days of the filing of the bankruptcy petition. These are the two issues in involuntary cases to which the right to jury trial may attach. (28 U.S.C. § 1411(b) permits a district court to order these issues to be tried without a jury.) The commencement of the debtors' case was voluntary and constituted an order for relief pursuant to 11 U.S.C. § 301. Upon the conversion of the debtors' case, there was no necessity to decide the issues present in 11 U.S.C. § 303(b); the order for relief had already been entered. Nor did the conversion under 11 U.S.C. § 1307 involve the issues present in § 303(b). The issue before the court was whether a plan had been filed.

As a general comment, we note that the solvency of the debtors is not an issue in their case. The case was converted to Chapter 7 because of their failure to file a plan --- not because of any alleged insolvency. Whether the debtors were solvent or insolvent at the time of the conversion has no relevancy to their case. They refused to take the steps

steps necessary to pay off their debts through a Chapter 13 plan. Because of this and their lack of good faith, their case was converted.

Even under 11 U.S.C. § 303, insolvency, in the sense of "balance sheet" insolvency, is no longer an issue. Under current law the focus is on whether or not a debtor is generally paying his debts.

For the foregoing reasons it is hereby ORDERED that debtors' motion for a trial is DENIED.

Entered at Dayton, Ohio in said District on the 19th day of February 1986.

SIGNATURE

WILLIAM A. CLARK
U.S. BANKRUPTCY JUDGE

cc: Jerome M. Strozdas, Counsel for M&M, 310 M&M Building, P.O. Box 1406, Springfield, Ohio 45501
George W. Ledford, P.O. Box 69, Englewood, Ohio 45432
James & Rosa Cossett, (pro se), 4289 Chippewa Trail, Jamestown, Ohio 45335

Affidavit

APPENDIX "P"

We, James H. Cossett and Rosa Ann Cossett, pro se, the undersigned being first duly cautioned and sworn, depose and state the following is true and within our personal knowledge:

1. Our mailing address is P. O. Box 191, Bowersville, Ohio 45307.

2. Having access to the public records in the Municipal Court of the City of Xenia, Office of the Clerk of Courts, I, James H. Cossett, viewed and inspected the docket sheet in Case No. X-80-CV-42, entitled J-NAC, Inc. vs James Cossett and Rosa Ann Cossett, on Docket 3, page 366, where it is written that Judge J. T. Campbell, sitting by assignment, was designated to preside over said case. Mr. J. T. Campbell is a practicing attorney not a judge.

3. Further, as citizens of the United States of America against injustice, perpetrated by the unethical, incorrect, and illegal conduct, and abuse by attorneys-at law; judges and other members of the Court, in the realm of the American judicial system--and in the interest of eradicating such injustice, we are dedicated to the lawful removal of the JUDEX PEDANEUS who dispenses judgments under the guise of justice, but whose appointment is, in fact,

preter legal, from the bench in the American courts.

4. We know, by legal definition, that a judge is an officer so named by commission, and is the chief member of a court who is charged with the control of proceedings and the decision of questions of law or discretion (Todd vs U.S. 158 U.S. 278, 15 S. Ct. 889, 39 1. Ed. 982); he is a public officer who by virtue of his office is clothed with judicial authority (State ex rel, Mayer v. City of Cincinnati, 60 Ohio App. 119, 19 N.E.2d 902).

5. It is fact that no judge has the authority to confirm appointments of judges or to ordain and establish judges, or assign a non-elected person or ordinary citizen or other member of the court to act in his stead. A judge does not possess the devine right of investiture, like the Pope and Bishops who ordain one another. A judge has only that power which we the people confer upon him.

6. Further we state that a judge, elected and appointed by we the people, has no constitutional authority to appoint, delegate, or assign the responsibilities and duties of his elected office to another.

7. We further state that an attorney-at-law, other members of the court, or

ordinary citizens have no constitutional right to sit in judgment, act as a judge and jury, or perform the duties of this elected office.

8. It is a fact that J-NAC, Inc. is in reality Nicholas A. Carrera, an attorney-at-law, who is not a judge. However, in the aforementioned Case No. X-80-CV-42, Mr. Carrera was sitting as acting judge in the Municipal Court of Xenia, Ohio on or about February 15, 1980 when the above case came to be heard.

9. We affiants state that a judge was demanded for to hear said case and that Mr. Carrera was instructed to remove himself from the proceedings. Because a judge, a duly elected official, could not be found, Mr. Carrera, a private citizen and attorney-at law, appointed and arranged for fellow attorney and friend, J. T. Campbell, to hear the aforementioned case in question and to preside and make judgment therein.

10. Not only has Nicholas A. Carrera and J. T. Campbell, but also in Case No. 82-CIV-413, Judson L. Shattuck, Jr., all attorneys-at-law, sitting as imposture lawyer/judges by unlawful assignment, have violated the civil rights of we affiants.

11. It is a matter of public record that J. T. Campbell, attorney for Shattuck

in State, ex rel. Schenck v. Shattuck (1982), 1 Ohio St. 3d 272, the case and landmark decision which states "Adopting this rationale, we hold that employment of a lawyer as a referee constitutes the practice of law". J. T. Campbell came to court with "dirty hands" in order to prejudice his own position in the Municipal Court of Xenia, Ohio.

12. We affirm the beliefs and principles of our Founding Fathers that all people have the inalienable right to a fair trial by a non-biased judge---not imposture lawyer/judges.

13. We attest these affiants have been denied their constitutional rights to a fair trial as demonstrated by the aforementioned Cases No. 82-CIV-413 and No. X-80-CV-42 not only on the grounds of personal bias but on the grounds of illegal and incorrect assignments of Nicholas A. Carrera and J. T. Campbell and Judson L. Shattuck, Jr. as judges in said cases.

14. Further, we are being forced into involuntary servitude and Chapter 7 bankruptcy because of the aforementioned injustices perpetrated by the unethical, incorrect and illegal conduct, and abuse by attorneys-at-law, judges and other members of the court in the realm of the American

judicial system.

15. We further state that on July 26, 1982, the Second District Court of Appeals ousted Judson L. Shattuck, Jr. from office. Jurisdiction did not lie within said Court to oust a judge---jurisdiction was only within the United States Supreme Court or the Ohio Supreme Court.

16. We further state that time spent as a domestic referee does not constitute the "practice of law" and a domestic referee is an employee of the court and is prohibited from the practice of law (U.S.C. 28 - Practice of Law Prohibited 607).

17. We further state that the Ohio Supreme Court has ordained and established Messrs. Campbell, Shattuck, Ledford, Carrera as imposture lawyer/judges as well as many others. See below:

THE STATE, EX REL. SCHENCK, PROSECUTING ATTORNEY, APPELLEE, V. SHATTUCK, JR. JUDGE, APPELLANT.

[Cite as State, ex rel. Schenck, v.]
[Shattuck (1982), 1 Ohio St. 3d 272]

Quo warranto--Ouster of judge from office--Writ denied, when--Employment as referee constitutes "practice of law"--R.C. 2301, construed.

(No. 82-1101--Decided September 15, 1982)

APPEAL from the Court of Appeals for Greene

County.

Respondent-appellant, Honorable Judson L. Shattuck, Jr. was appointed to the office of Judge of the Court of Common Pleas for Greene County on April 19, 1982. On June 15, 1982, relator-appellee brought this action in quo warranto in the Court of Appeals for Greene County to oust appellant from office.

18. We further state that under the United States Constitution, Article III, Section 1, only the United States Congress has such power and there is no statute of legislative power ever been granted to the Ohio Judicial State Government to confirm appointments of judges.

19. FURTHER, WE AFFIANTS SAYETH NAUGHT.

SIGNATURE
JAMES H. COSSETT
P. O. BOX 191
BOWERSVILLE, OHIO 45307

SIGNATURE
ROSA ANN COSSETT

On this 3rd day of March, 1988 before me, a Notary Public, in and for Greene County and State of Ohio, came James H. and Rosa Ann Cossett who acknowledge the facts contained therein are true.

SIGNATURE (NOTARY PUBLIC
MOLLY J. VANCE
Commission Expires 1/22/93

Certificate of Service

The undersigned does hereby certify that a true copy of the foregoing Jurisdictional Statement was mailed by United States ordinary mail to the list of parties below on _____, 1988.

James H. Cossett

JAMES H. COSSETT

James A. Rhodes
42 E. Gay Street
Columbus, Ohio 43215

Gov. Richard Celeste
State House
Columbus, Ohio

Frank D. Celebrezze
580 S.High, Street
Columbus, Ohio 43266

Tom Moyer
30 E. Broad Street
Columbus, Ohio 43266

Judson L. Shattuck, Jr.
34 N. Detroit Street
Xenia, Ohio 45385

William F. Schenck
34 N. Detroit Street
Xenia, Ohio 45385

George W. Ledford
P. O. Box 69
Englewood, Ohio 45322

Gene Deptner
Merchants & Mechanics
Federal Savings & Loan
Association
22 S. Limestone Street
Springfield, Ohio 45502

Jerome M. Strozdas
310 M&M Building
22 S. Limestone Street
Springfield, Ohio 45502

Thomas T. Taggart
310 M&M Building
22 S. Limestone Street
Springfield, Ohio 45502

Nicholas A. Carrera
115 N. Whiteman Street
Xenia, Ohio 45385

J. T. Campbell
260 N. Detroit Street
Xenia, Ohio 45385

List of parties continued on next page.

Robert W. Kastenmeier
2328 Rayburn, H.O.B.
Washington, D.C. 20515

Mike Synar
2441 Rayburn, H.O.B.
Washington, D.C. 20515

Patricia Schroeder
2410 Rayburn, H.O.B.
Washington, D.C. 20515

George W. Crockett, Jr.
1531 Longworth, H.O.B.
Washington, D.C. 20515

Bruce A. Morrison
437 Cannon, H.O.B.
Washington, D.C. 20515

Howard L. Merman
137 Cannon, H.O.B.
Washington, D.C. 20515

Rick Boucher
428 Cannon, H.O.B.
Washington, D.C. 20515

John Bryant
412 Cannon, H.O.B.
Washington, D.C. 20515

Benjamin L. Cardin
507 Cannon, H.O.B.
Washington, D.C. 20515

Carlos J. Moorhead
2346 Rayburn, H.O.B.
Washington, D.C. 20515

Henry J. Hyde
2104 Rayburn, H.O.B.
Washington, D.C. 20515

Dan Lungren
2440 Rayburn, H.O.B.
Washington, D.C. 20515

Michael DeWine
1705 Longworth, H.O.B.
Washington, D.C. 20515

Howard Coble
430 Cannon, H.O.B.
Washington, D.C. 20515

D. French Slaughter, Jr.
319 Cannon, H.O.B.
Washington, D.C. 20515

Charles Fried
Office of Solicitor General
Room 5143
9th & Pennsylvania Ave., N.W.
Washington, D.C. 20530

The United States Court
of Appeals
Cincinnati, Ohio

Donald Conrad, Auditor
Federal Home Loan Bank Board
100 Old W. Wilson Bridge Road
Room 320
Worthington, Ohio 43085

THE END

CASE 88-571 (2)

Supreme Court, U.S.
FILED
NOV 21 1988
JOSEPH F. SPANIOL, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1988

JAMES HAROLD COSSETT PRO SE
AND
ROSA ANN COSSETT PRO SE

APPELLANTS

V.S.

THE UNITED STATES OF AMERICAL (ET.AL.)

LIST OF PARTIES
AT PAGE

APPELLEES

ON APPEAL FROM
THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Supplemental Brief

JURY DEMAND

JAMES H. & ROSA ANN COSSETT
P. O. BOX 191
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34P

IMPOSTURE LAWYER/ JUDGES

WHICH HAS BEEN SUBMITTED

TO: THE CONGRESSIONAL SUB COMMITTEE ON COURTS
2137 B. RAYBURN HOUSE
WASHINGTON, D.C. 20515
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NOTE: COPIES CAN BE HAD PER REQUEST FROM:

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I

SUPPLEMENTARY QUESTIONS PRESENTED

In order to invoke jurisdiction of this Court under Article 3, Section 2, the answer to question No. 1 is of the utmost importance in order to decide whether or not Federal involvement is an issue in this Case and is pertinent to the entire matter in controversy.

1. Is the United States Congressional Sub-Committee on Courts negligent?

2. Has the United States Congressional Sub-Committee on Courts abused their discretion to deny due process by failing to respond to Appellants' Petition to remove imposture lawyer/judges and for relief from such judgments?

3. Did the United States District Court and the United States Bankruptcy Court abuse their discretion to deny Appellants' timely filed "Jury Demands"?

4. Does the aforementioned abuse constitute the denial of due process?

5. As described by the Court below, does there now exist a judicial controversy

as to whether [Bankruptcy Reform Act of 1978, Title 28 U.S.C. § 1480 Jury Trial] or was it supplanted by [Bankruptcy Federal Judgeship Act of 1984, Title 28 U.S.C. § 1411?

6. If yes, is this controversy a legislative problem and is it not grounds to deny timely filed "Jury Demands"? Moreover, is Title 28 U.S.C. Section 1480 B contrary to Amendment 7 of the United States Constitution?

7. Where is the proper jurisdiction of power to redress with regard to the issue of persons who are impersonating "judges" in State and Federal Courts? (Such persons have been ordained and established by a State Supreme Court).

8. Is it a denial of due process for a trustee to appoint himself as trustee by rubber stamp forgery and to impersonate a "judge"?

9. Is it a denial of due process for the aforementioned trustee to steal $31,920.91 by rubber stamp forgery and to impersonate a "judge"?

10. Is it a denial of due process for a trustee and lawyer to conspire to summons a person into Chapter 7 Bankruptcy Court?

11. Will a writ of certiorari issue to the United States District Trial Court to hear the validity of Judson L. Shattuck, Jr. sitting as a judge also to be heard before a jury of eight with respect to the amount in controversy pursuant to the United States Constitution Amendment 7?

12. In short, will the write of certiorari issue to hear the entire matter in controversy by jury?

LIST OF PARTIES

The Appellants are pro se litigants who are husband and wife and are citizens of the United States by birth and are as one estate.[1]

Footnote:
1. The Appelless are: The State of Ohio; (Past) Governor of Ohio, Honorable James A. Rhodes; (Present) Governor of Ohio, Honorable Richard Celeste; (Past) Chief Justice Ohio Supreme Court, Honorable Frank D. Celebrezze; (Present) Chief Justice Ohio Supreme Court, Honorable Tom Moyer; Court of Common Pleas, Greene County Ohio, Impostor Judson L. Shattuck, Jr.; Greene County Prosecutor, William F. Schenck; Bankruptcy Chapter 7

Pursuant to Rule 28 - (4) "A" of this Court, Charles Fried, Solicitor General of the United States and Anthony Celebrezze, Attorney General of Ohio.[2]

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Trustee; Imposture Lawyer/Judge George W. Ledford; Merchants and Mechanics Federal Savings and Loan Association, President Gene Deptner; Attorney, Jerome M. Strozdas; Attorney, Thomas T. Taggart; Imposture Lawyer/Judge, Nicholas A. Carrera; Imposture Lawyer/Judge, J. Timothy Campbell.

Footnote:
2. Congressional Sub-Committee on Courts: Chairmen Messrs. Robert W. Kastenmeier; Mike Synar; George W. Crockett, Jr.; Bruce A. Morrison; Howard L. Berman; Rick Boucher; John Bryant; Benjamin L. Cardin; Chairwoman Patricia Schroeder; Messrs. Carlos J. Moorhead; Henry J. Hyde; Dan Lungren; Michael DeWine; Howard Coble; D. French Slaughter, Jr.

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OPINION OF COURT BELOW
to deny "jury demands"

November 4, 1988 Entry reproduced as Appendix "A" filed

CASE NO. 88-337
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

(INTERLOCKING)

February 20, 1986 Entry reproduced as Appendix "B" filed.

CASE NO. 84-02054
IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

November 8, 1988 Entry reproduced as Appendix "C". Notice of Appeal filed

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Case No. 88-337 interlocking Case No. 84-02054

OPINION OF COURT BELOW
to deny "jury demands"
and conspire to deny civil rights
(continued)

Now on appeal to the United States Supreme Court this case comes. Both courts below have abused their discretion and conspired to interfere with Appellants' civil rights.

May 13, 1985 Judicial Notice of Undisputed Fact was filed with "JURY DEMAND" before the United States District Court. The court disposed of this fact without discretion to deny but did, in fact, conspire to deny Appellants' civil rights.

The case was then returned to the United States Bankruptcy Court where, in open court, repeatedly Appellants' jury demands were denied.

(Memorandum)

MOREOVER, U.S.C. Title 11 Rule 9015 "A demand for trial by jury made herein provided may not be withdrawn without the consent of the parties."

At no time was consent given to withdraw.

(MEMORANDUM)

U.S.C. Title 11 Rule 9027 (1)
A party who prior to removal has made an express demand for trial by jury in accordance with Federal or State law need not renew the demand after removal.

At no time did the United States Districk Court or the United States Bankruptcy Court redirect Appellants to renew "jury demand".

It was more than evident that both courts had conspired to interfere and to deny Appellants their civil rights to a trial by jury.

CONCISE STATEMENT TO INVOKE JURISDICTION

1. Article Three Sections 1 and 2 of the United States Constitution provide in pertinent part:

Section One ..."The Congress may from time to time ordane and establish."

Section Two ..."and between a state or the citizens thereof,"

..."and those in which a state shall be party; the Supreme Court shall have original jurisdiction,"

..."jurisdiction to controversies to which the United States shall be a party."

2. Article Six of the United States Constitution provides in pertinent part:

..."This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."

3. U.S.C. Title 11 Rule 1007

A bankrupt is not estopped from alleging the invalidity of a judgment.

4. (Civil Rights Act March 1, 1875) [Weaver vs. Haworth 1975 D.C. Okla (410 F Supp 1032)]

Which is purely procedural, appellate jurisdiction of the Supreme Court is

provided.

[Krieger vs. Republic Van Lines, Inc. 1977 D.C. Tex (435 F. Supp 335)]

Under Civil Rights Act, without regard to amount in controversy, does not give U.S. District exclusive jurisdiction.

5. [United States vs. Corrick, 298 U.S. 435 (1936)]

[Mayo vs. Lakeland Highlands Canning Co., 309 U.S. 310 (1940)]

From a decree whereby U. S. District Court has abused its discretion on November 4, 1988.

6. Pursuant to Rule 16.6

Any party may file a supplemental brief at any time while a jurisdictional statement is pending.

7. Pursuant to Rule 37.3

.3 On the court's own motion,...the court may order that two or more cases, involving what appear to be the same or related question.

8. Last but not least, Pursuant to the U.S. Constitution Amendment 7 and [U.S.C.S. Title 42 § 1958 Depriving persons of rights or privileges]

CONSTITUTIONAL PROVISIONS STATUTES INVOLVED

Are clearly spelled out in original "Jurisdictional Statement".

STATEMENT OF THE CASE

On February 20, 1986 at Page 3, the Bankruptcy Court conceded that Appellants were solvent.

> "As a general comment, we note that the solvency of the Debtors is not an issue in their case."

The next question is then why are Appellants in Chapter 7 U. S. Bankruptcy Court? For more than four years, this case was passed back and forth to the U. S. District Court and the U. S. Bankruptcy Court. Each and every time Appellants demanded a trial by jury and made service on the adverse parties. The last Entry on November 4, 1988 in the U. S. District Court, wasted no time

in making Appellants insolvent and said at Page 3:

> "While the issue of solvency is triable to a jury, the action of the Debtors themselves, first in filing and then in moving to reopen their bankruptcy case, removed the issue of solvency".

M&M also conceded that Appellants were solvent, but on November 8, 1984, filed a Summons on Complaint (see App E) to force Appellants into Chapter 7 bankruptcy. This cause of action was a conspiracy to embezzle and steal $31,920.91, cash money, and to enforce an ex-parte erroneous judgment by imposture lawyer/judge by Judson L. Shattuck, Jr. who on September 8, 1982 was unlawfully holding the office of judge.

[The case of M&M vs Cossetts] now comes before this Court and Appellants demand that these issues be tried before a jury or have the entire matter in controversy sent up to this Court. This demand is clearly spelled out in Appellants' Notice of Appeal and service was made on November 8, 1988 to the

adverse parties. The issue of solvency also now becomes an issue in this case. On November 4, 1988, Appellants became insolvent by the Entry of Judge Walter Rice, U. S. District Court which was purely biased and prejudiced because Appellants wished to continue their fight against imposture lawyer/judges.

SUMMARY OF ARGUMENT

The Seventh Amendment of the United States Constitution has absolutely been violated of the rights preserved by a trial by jury. For the past six years, Appellants have timely filed and demanded a trial by jury.

At this point, Appellants would be untrue to their beliefs if they did not note here that they have lost faith in our judicial system. Every American faces an ever increasing bondage that is being imposed through more and more bad legislative and regulatory acts and by unjust lawyers. One-by-one, they strip us of our freedoms and

stifle our will to do for ourselves. The very deeds that made this land blessed with:

PRIVILEGE based on RESPONSIBILITY

DIGNITY based on JUSTICE

REWARD based on INDIVIDUAL EFFORT

These principles are being lost due to the ever increasing grip that the lawyers have over the American public in their all-out effort to gain more and more power. It is now legal for lawyers to act as judges in the state of Ohio of their own free will. A pro se litigant standing on the truth and sound constitutional principles cannot <u>expect justice</u>.

Appellants have stood on the truth and have put up every penny of their life's earning to back it up and they now feel that they will lose due to the deceptions and illegal manipulation of unjust lawyers.

Appellants now take heed to the warning of retired Chief Justice Warren Burger where he warned:

"We are fast becoming a nation with a

herd of lawyers who are as hungry as locus."

At the beginning of this action, Appellants were in a conflict with the Merchants and Mechanics Federal Savings & Loan Association (M&M) of Springfield, Ohio and do have evidence to prove that Mr. Wayne Sphar and Mr. Harold Cunningham, Vice Presidents of M&M devised a scheme to embezzle money from Appellants' account. Appellants were holding money in escrow from M&M and asking for a correct balance of their account.

In the Court of Common Pleas, Greene County, Ohio, Case No. 413, M&M claimed default of payments and brought foreclosure action against Appellants. The case was assigned to Judge Judson L. Shattuck, Jr., Court of Common Pleas, Greene County, Ohio. No answer was filed in the original action with the court by Appellants in this action. Appellants knew that Mr. Sphar and Mr. Cunningham had been removed from their positions from M&M and that Mrs. Mary McCormick had been promoted to Vice President and assigned

Appellants' account. What Appellants did not know was that Mrs. McCormick had been assigned the task of covering up the scheme that Mr. Sphar and Mr. Cunningham had committed. Mrs. McCormick had offered to make proper adjustments to Appellants' account and to drop the foreclosure action. In return Appellants did, in fact, turn over $3,000.00, escrow money, that they were holding to Mrs. McCormick. However, Mrs. McCormick had no intentions of stopping the foreclosure action. The money, to stop all legal action, was paid on August 19, 1982. The ex-parte extortion judgment by imposture lawyer/judge was given on September 8, 1982. Since this time, Appellants have been exposed to a court system that would stagger the minds of all just men and women. An accurant description would be a "den of theives"!

ARGUMENT & POINTS OF FACT

On November 28, 1986, Appellants put forth an assertive effort to have Case No.

82 CV 413 brought back into the court of origin. Appellants timely demanded and served upon the adverse parties "Jury Demands".

The new governor, Richard Celeste, was given the opportunity to enter the action as a third party and friend of the court. This effort fell on blind eyes and deaf ears.

At App. D , Appellants hereby offer for review Motion for Leave to Bring in Third Party Friend of the Court in its entirety to be considered as Appellants' "Argument & Points of Fact".

CONCLUSION

Specifying relief, Appellants can only conclude that the United States court system, in itself, is a crime. There is great need of reform. The unruly "practice of law" has spread to the Federal court system. Judge Walter Rice of the U. S. District Court and Judge William A. Clark of the U. S. Bankruptcy Court have dirty hands in their administrations. The acts of unruly practice of law

have been brought to the attention of the Federal Disciplinary Counsel and has created a forum of bias and prejudice from which Appellants now leave.

The framers of the United States Constitution Amendment 7 have said

> "right of trial by jury shall be preserved."

The framers could have only intended to safeguard the right forever retained to the people. The right to a trial by jury is in such a state of preservation, that for the last sixe years, Appellants have been unable to un-preserve it. The word preserved has no meaning in today's courts. Appellants contend that it should be changed to automatic. The word preserved has only historical significance and has no value to persons who seek to use this guaranteed right.

The unruly "practice of law" is an ever-growing cancer is the American judicial system. As long as the judicial branch of government is self-policed, there will be

change.

As one remedy for relief, Appellants must be given the opportunity to expose these persons and bring about change in our American court system. These people who are self-served and self-policed have to know that someone is monitoring them. As a general note, Appellants know that there would be those who would abuse this automatic right; however, on the other hand, lawyers and judges are consistently abusing their discretion to deny this right especially when there are issues which involve the judicial system. In short, you can't speak out against the King or his Court.

This Court has jurisdiction under Rule 37 .3 to order two or more issues which appear to be of the same be argued together as one case.

The unruly "practice of law" is the reason Appellants are insolvent today.

This Court also has jurisdiction to is-

sue a writ of certiorari under the Code of Cannon & Professional Responsibility to have the entire matter in controversy tried before a jury.

If this Court refuses jurisdiction in these matters, respectfully, Appellants will re-direct these matters to an original action to include the United States of America under Article 3, Section 2.

> ..."to controversies to which the United States shall be a party:"

The two main issues before this Court today are:

1. The unruly practice of law
2. The issue of solvency of Appellants

The Appellants demand the return of their estate plus interest.

Respectfully submitted,

James H. Cossett
JAMES H. COSSETT

Rosa Ann Cossett
ROSA ANN COSSETT

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILE STAMPED Nov. 4, 1988

IN RE: COSSETTS : Case No. C-3-88-337
Debtors, MS-3-87-13

- -

DECISION AND ENTRY CONSOLIDATING CAPTIONED CAUSES: REMAINING MOTIONS/APPEALS OF DEBTORS DEEMED NOT WELL TAKEN AND ARE, ACCORDINGLY, DENIED IN THEIR ENTIRETY: TERMINATION ENTRY

- -

There are now pending before this Court motions/appeals regarding issues arising from Bankruptcy Case C-3-84-02054, filed in this Court as Case C-3-88-337 and MS-3-87-13. The documents filed in the two cases before this Court assert facts and issues which have been previously asserted in various documents and addressed in previous decisions in the bankruptcy case and assorted appeals therefrom. The Debtors have moved this Court to consolidate the cases (C-3-88-337 Doc. é6, p 2), which motion is hereby granted.

Case C-3-88-337 is an appeal by the Debtors from the Order of Discharge issued by the Bankruptcy Court on June 13, 1988 (C-3-84-02054, Doc. No. 205). Although Case MS-3-87-13 originated on the Motion of

Merchants & Mechanics Federal Savings & Loan Association (M&M) for this Court to abstain from taking jurisdiction over disposition of proceeds of a supersedeas bond in the state courts, which issue has been decided (Docs. Nos. 7, 9, 10), the Debtor has filed under this case a document (Doc. No. 15) which appears to represent an appeal from the Order for Final Distribution issued by the Bankruptcy Court on May 16, 1988 (C-3-84-02054, Doc. No. 201). In consideration for the status of the Debtors as pro se litigants and in the interest of stemming the fissiparous growth of pleadings relating to the bankruptcy and bringing the case to a final resolution, this Court will consider the two cases as appeals from the Bankruptcy Court's Orders of Final Distribution and Discharge and will herein address the issues raised by the Debtors regarding these Orders.

A reading of the documents submitted by the Debtors in cases C-3-88-337 and MS-3-87-13 (excluding those pertaining to the Motion to Abstain of M&M suggests that the Debtors object to the Orders of Distribution and Discharge because:

1) the Debtors are not properly in bankruptcy

and are entitled to a jury trial on the issue of their solvency (C-3-88-337, Doc. No. 6, p 8);

2) the original judgment awarded to M&M in state court is invalid (Doc. No. 3, pp 9-10, 14-18);

3) the amended claim submitted by M&M to the Trustee is invalid as resulting from a state court judgment which violated an Order of this Court (Ms-3-87-13, Doc. No. 15, pp 3-4); and

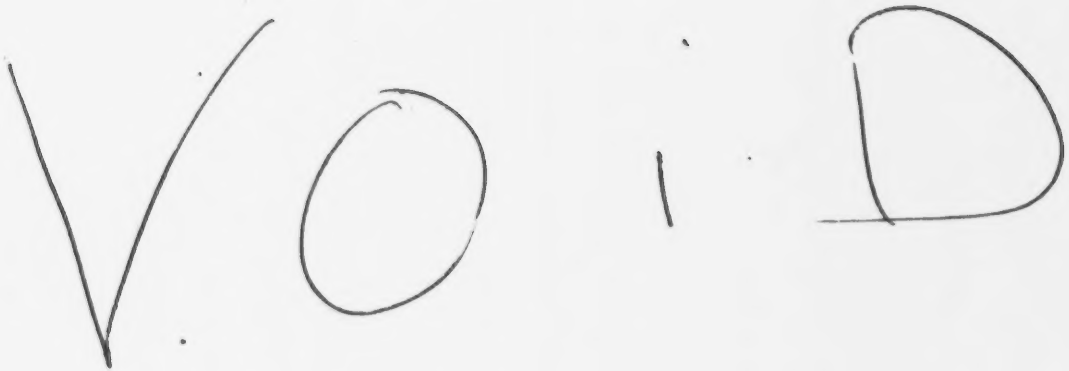
4) the fund was not properly subject to distribution by the Trustee (Doc. No. 15, p 2).

The Debtors also request that they be awarded funds representing their equity in the real property and the supersedeas bond (Doc. No. 15, p 6).

For reasons briefly set forth below, this Court finds that these objections are not well taken and, excluding Debtors' Motion to Consolidate, the motions/appeals of the Debtor are denied in their entirety.

With respect to Debtors' first objection, the Bankruptcy Court entered its decision on February 20, 1986 (C-3-84-02054, Doc. No. 110), overruling Debtors' Motion for a Jury Trial. Debtors made no timely appeal of this decision. Debtors' argument that decision on this issue was reserved ("This Court need not

decide that issue at this time." C-3-88-337, Doc. No. 6, p 8, emphasis added by the Debtors, quoting the Bankruptcy Court's decision, Doc. No. 110, p3) is unavailing. The Bankruptcy Court concluded that it need not address competing interpretations of 28 U.S.C. § 1480 and § 1411 at that time, because there were no issues with regard to the Debtors' case that were triable to a jury under either statute (Doc. No. 110, pg). Although the decision of the Bankruptcy Court was not timely appealed, this Court noted in its decision on Debtors' appeal (Doc. No. 132) of a later Bankruptcy Court decision (Doc. No. 122, April 25, 1986) that it agreed with the conclusion of the Bankruptcy Court that while the issue of solvency is triable to a jury, the actions of the Debtors themselves, first in filing and then in moving to reopen their bankruptcy case, removed the issue of solvency from consideration by the Court (Doc. No. 132, p 2; see also C-3-86-195, Doc. No. 10, p 2). Again, this Court notes that it has been apprised of no issues in this case that would entitle the Debtors to a jury trial. This Court finds that Debtors' objection to the Orders of Distribution and Discharge on the grounds that an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issue remains as to their solvency which is triable to a jury is both untimely and not well taken.

With regard to the Debtors' second objection, that the original judgment awarded to M&M is invalid, this Court noted in its decision on Debtors' appeal (C-3-84-02054, Doc. No. 65) of the Bankruptcy Court's refusal to stay the sale of Debtors' residence (Doc. No. 64) its belief that the judgment awarded to M&M by the Greene County Court of Common Pleas in 82-CV-413, which was unsuccessfully appealed by Debtors through the state judicial system to state's highest court, operates as res judicata in this Court and cannot herein be collaterally attacked (Doc. No. 82a, p 3; see also C-3-86-449, p3). This Court is bound by both the fact of and the amount of the judgment awarded to M&M in the Common Pleas Court and affirmed on appeal; therefore, this Court finds that Debtors' objection to the Orders of Distribution and Discharge on the grounds that the original judgment awarded to M&M is invalid is not well taken.

With regard to the third objection, Debtors also object to the Orders of Distribution and Discharge on the grounds that the amended claim submitted to the

Trustee by M&M is invalid in that it is based on a state court's confirmation of sale in violation of an Order of this Court (MS-3-87-13, Doc. No. 15, pp 3-4). One identifiable point of origin for this objection is in the decision of this Court on April 28, 1086, vacating the Order of Relief from Stay which had been granted to M&M until such time as the Bankruptcy Court should address whether the supersedeas bond provided adequate protection to M&M without immediate sale of the real estate (C-3-84-02054, Doc. No. 32, p 6; see also C-3-86-195, Doc. No. 10, p 6). Pending the Bankruptcy Court's reconsideration of the granting of relief from the stay to M&M, which would allow M&M to proceed on its state court judgment, the Trustee filed notice of his intent to sale the real estate (C-3-84-02054, Doc. No. 133). In a decision entered on August 7, 1986, the Bankruptcy Court determined that the Trustee could proceed with the sale of the real estate in keeping with his statutory duty to liquidate the Debtors' property for the benefit of the estate, only if the sale realized a minimum of 68,000 and that if the Trustee should be unable to the property for at least 68,000 he should consider

abandoning the property as a burden to the estate (Doc. No. 148, pp 5-6). Without expressing an opinion as to the propriety of abandonment, this Court upheld the Bankruptcy Court's decision as to sale of the real estate by the Trustee (Doc. No. 151, p 7; see also C-3-86-365, Doc. No. 2, p 7).

During the period in which the Trustee was attempting to sell the Debtors' property, M&M was granted relief from the stay upon a determination that M&M was not afforded adequate protection by the supersedeas bond, that a stay did not at that time serve the policies underlying stays in bankruptcy, and that the claims of unsecured creditors were imperiled by the escalating interest on the claim of M&M (Doc. No. 156). The Debtors' appeal was dismissed when they neither paid filing fees nor completed the in pauperis papers sent to them (C-3-86-452, Doc. No. 4). At that point, the Trustee could sell the Debtors' real property for the minimum 68,000 price established by the Bankruptcy Court or M&M could proceed on its state court judgment according to the standards established therein. The Trustee was unable to sell the property for the minimum price (see C-3-84-02054, Docs. Nos. 162, 163) and

later filed Notice of Abandonment (Doc. No. 192). M&M, having been granted relief from the stay, proceeded on its state court judgment. On December 4, 1986, the Greene County Court of Common Pleas issued an Order confirming the sale and holding that M&M was owed a balance of 25,152.85 plus 11 percent interest from November 8, 1986, the date of sale (82-CV-413). Because M&M had been granted relief from the stay to allow it to proceed in state court and because only the Trustee could be bound by this Court's minimum sale price, neither the fact of the sale nor the price realized violated any Order of this Court. The Order confirming the sale was apparently not appealed through the state court system and, therefore, cannot be collaterally attacked in this Court. The holding of the Common Pleas Court that there remained a balance owed by the Debtors of 25,152.85 plus interest operates as res judicata on this Court.

Thus, the Court finds that Debtors' objection to the Orders of Distribution and Discharge, based on their claim that the amended claim submitted by M&M to the Trustee is invalid because it is based on a state court confirmation of sale in violation of an Order of this

Court, is not well taken.

Finally, with regard to the fourth objection, the Debtors object to the Orders of Distribution and Discharge on the grounds that the supersedeas bond was not lawfully subject to distribution by the Trustee (Doc. No. 15, p 2).

An Order for Turnover of Funds was issued by the Bankruptcy Court on May 27, 1985 (Doc. No. 42), directing the Clerk of the common Pleas Court of Clark County to turn over to the Trustee the 31,420.91 judgment awarded to the Debtor in an unrelated case, which fund served as the supersedeas bond in Debtors' appeal of the Greene County judgment awarded to M&M against Debtors (see Doc. No. 156). Thus, the supersedeas bond became an asset of the estate subject to the administration of the Trustee (Doc. No. 156, p 3). Both this Court and the Bankruptcy Court have previously considered the Debtors' claims against the Trustee and have concluded that the Trustee was lawfully appointed, has properly discharged his duties and has not been the proximate cause of any injury to the Debtors (Docs. Nos. 82, 108, 109; see also Case C-3-85-449). It is the duty of a Chapter 7 Trustee to "collect . . .the prop-

erty of the estate. . .and close up such estate as expeditiously as possible." 11 U.S.C. § 704(a). Thus, the Court finds that the final objection of the Debtors, based on their claim that the supersedeas bond was not properly subject to distribution by the Trustee is not well taken. Because this Court finds that the supersedeas bond was properly subject to distribution by the Trustee, and because the fund was exhausted by lawful claims, including that based on the December 4, 1986, judgment of the state court (Doc. Nos. 193, 201), this Court is unable to honor the Debtors' request (Doc. No. 202, p 6) for a return to them of the fund. The fund has been used to satisfy Debtors' obligations.

The Debtors also claim that they are entitled to recover the "equity in property which was taken without due process." (Doc. No. 202, p 6). Because this Ccurt has not found that the sale of the Debtors' real property violated any Order of this Court and because the judgment of the Greene County Common Pleas Court that there remained a balance owed by Debtors to M&M operates as res judicata in this Court, this Court is compelled to find that there is no equity to recover.

In sum, this Court grants Debtors' Motion to Consolidate Cases (C-3-88-337, Doc. No. 6, p 2), and finds that the Debtors' objections to the Orders of Distribution and Discharge (C-3-88-337, Docs. No. 6, 3; and MS-3-87-13, Doc. No. 15) are not well taken, in that all issues raised therein were either not appealed to the proper forum, were not timely appealed, or are otherwise subject to the res judicata effect of previous determinations in this and other courts. This Court also finds that the Debtors are not entitled to the funds requested and finds that the Bankruptcy Court should proceed on the Orders of Distribution and Discharge (C-3-84-02054, Docs. No.s 201, 204) to close the estate.

The captioned causes are hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Signed by: WALTER H. RICE
UNITED STATES DISTRICT JUDGE

APPENDIX B

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: FILE STAMPED FEBRUARY 20, 1986

JAMES HAROLD COSSETT : BANKRUPTCY CASE NO. 3-84-02054

ROSA ANN COSSETT :

DEBTORS

DECISION AND ORDER DENYING DEBTORS' REQUEST FOR JURY TRIAL

NOTE:

The above same Decision & Entry has been reproduced in the March 7, 1988 original "Jurisdiction Statement" marked as Appendix O.

On March 7, 1988, the United States District Court had not yet completely interlocked its decision to deny Appellants' "Jury Demands". The November 4, 1988 interlocking Decision & Entry is the reason for this supplimentary brief.

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILE STAMPED NOV. 8, 1988

COSSETTS, PRO SE PLAINTIFF-DEBTORS	U.S. DISTRICT COURT CASE NO. C-3-88-337 (INTERLOCKING)
VS	
MERCHANTS & MECHANICS DEFENDANTS	U.S. BANKRUPTCY COURT CASE NO. C-3-84-02054 JURY DEMAND

- -

NOTICE OF APPEAL

To enforce civil rights for "JURY DEMANDS" or to have the entire matter in controversy consolidated with Case No. 88-571 "JURISDICTION STATEMENT" now pending before the United States Supreme Court.

- -

Plaintiff-Debtors herein give Notice of Appeal to the United States District Court for the Southern District of Ohio Western Division at Dayton. Plaintiff-Debtors do appeal to the United S[illegible]preme Court which is purely procedural [Weaver vs Haworth 1975 D.C. Okla. 410 F Supp 1032].

Plaintiff-Debtors are appealing from an appealable interlocking Decision & Entry (in its entirety) filed November 4, 1988 in the United States District Court (see Exhibit "a") and the Decision & Order Denying Debtors Demand for Jury Trial filed in the

United States Bankruptcy Court on February 20, 1986 (see Exhibit "B").

BOTH COURTS HAVE ABUSED THEIR DISCRETION BY DENYING THE GUARANTEED CIVIL RIGHT TO TIMELY FILED JURY DEMANDS.

(MEMORANDUM OF LAW)

[The U.S.C. Title 11, Section 42 Jury Trial]
(A) A person against whom an involuntary petition has been filed shall be entitled to have a trial by jury in respect to the question of his insolvency.

The United States District Court is clearly erroneous in its Decision & Opinion at page 3 pertinent in part..."in moving to re-open their bankruptcy case, removed the issue of solvency from consideration by the Court."

On November 8, 1984, Summons & Complaint with petition to convert Chapter 13 bankruptcy to a Chapter 7 liquidation of Plaintiff-Debtors' solvent estate, was filed by Jerome M. Strozdas, attorney for Merchants and Mechanics Federal Savings & Loan Association, and service was also made upon Plaintiff-Debtors on November 8, 1984. (See Exhibit "C").

This forceful involuntary action supersedes Plaintiff-Debtors' November 28, 1984 Motion to re-open

Chapter 13 bankruptcy. (See Exhibit "D"). This action was merely an attempt to prevent Plaintiff-Debtors' solvent estate from being liquidated and at no time have they ever refused to pay their honest debts or been unable to pay their honest debts. Their offers to pay were simply refused. A Motion to stay enforcement of judgment and a Supplementary Jurisdictional Statement will be timely filed with the United States Supreme Court to have the entire matter in controversy consolidated with Case No. 88-571 now pending in the United States Supreme Court.

Respectfully submitted,

Signed by: JAMES H. COSSETT
ROSA ANN COSSETT
P. O. Box 191
Bowersville, OH 45307
614-948-2452

APPENDIX D

IN THE COMMON PLEAS COURT
GREENE COUNTY, OHIO

MERCHANTS & MECHANICS (ET AL) PLAINTIFF	:	FILE STAMPED NOV. 28, 1986
GOVERNOR RICHARD CELESTE THIRD PARTY PLAINTIFF	:	MOTION FOR LEAVE TO BRING IN THIRD PARTY AS AMICUS CURIAE, ENDORSED HEREON BY DEFENDANTS
VS	:	JURY DEMANDS
COSSETTS DEFENDANTS	:	CASE NO. 82-CIV-413

Now come the Cossetts, as a third-party Plaintiff, and Governor Richard Celeste, as Amicus Curiae, and move this Court for leave to intervene and for leave to allow third-party practice in this instant case in order to expedite said case in the best interest of justice and for the Court to issue a Summons on all liable third-party Defendants who will be named after oral argument before the Court.

PURSUANT TO CIV R 14 THIRD-PARTY PRACICE

We, the undersigned, as endorsed by the Governor of the State of Ohio, the Honorable Richard Celeste, and as citizens of the United States of America and the State of Ohio against injustice perpetrated by the unethical, incorrect, and illegal conduct by the office of the Governor, attorneys-at-law, judges, and

other members of the Court, hereby demand the prohibition of practicing attorneys sitting in judgment and call for the reaffirmation of Constitutional Law regarding the separation of attorneys and judges, the "practice of law" and adjucation, the separation of powers.

COMPLAINT

POINT OF FACT I. Complaintant demands the lawful removal of the JUDEX PENDANEUS who dispenses judgments under the guise of justice, without the consent of the adverse parties, for profit, but whose appointment is, in fact, preter legal, from the bench in the American Courts of Law, because she/he engages in the "practice of law" in particularly, those sitting on the Bench in this Case No. 82-CV-413.

MEMORANDUM

> U.S.C. Title 28, Section 607, states "An officer or employee of the administrative office shall not engage directly or indirectly in the 'practice of law' in any court of the United States" (June 25, 1948, c. 646 962 stat. 915.)

POINT OF FACT II. Complaintant further demands that no judge has the authority to appoint, delegate, or assign a member of the Bar Association, a practicing

attorney, to act in his stead. Nor does any judge have the right to appoint, delegate, or assign an imposter lawyer/judge or other member of the Court to "hear" a case without the consent of the adverse parties.

Complaintant contends there is no Constitutional structure or formulation for monetary compensation for the JUDEX PEDANEUS. Further, such a person is deficit in the accompanying accouterments of the official office of judge; i.e., the battery of law clerks for research and the administrative staff at his command to officially assist in discerning questions of law and in formulating correct judgments.

MEMORANDUM

> By legal definition, a judge is an officer so named by commission, and is the chief member of a Court who is charged with control of proceedings and the decision of questions of law or discretion (Todd vs U.S. 158 U.S. 278, 15 S. Ct. 889, 39 L. Ed. 982); he is a public officer who by virtue of his office is clothed with the judicial authority (State ex rel. Mayer v. City of Cincinnati, 60 Ohio App. 119, 19 N.E. 2d 902) who from time-to time receives compensation for services rendered from the people.

POINT OF FACT III. Complaintant asserts that a practicing attorney-at-law has no Constitutional authority

to sit in judgment, act as judge or jury, or perform the duties of a judge and levy fines from which compensation for services are rendered is exacted.

MEMORANDUM

> As specified by law, U.S.C. Title 28, Section 454 states, "Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor" (June 25, 1948, c. 646-1.62 stat. 908.)
>
> Further, O.R.C. 4705.01 explicitly states: "No judge of any record in this State shall engage in the "practice of law" during his term of office."

POINT OF FACT IV. Complaintant states time spent as a domestic referee, who is not permitted by law to be a practicing attorney, does not constitute the "practice of law" and a domestic referee is an employee of the Court. Such rationale to the contrary would constitute conspiracy.

Further, Complaintant offers for examination the conspiratorial plot of Governor James A. Rhodes, who appointed Judson L. Shattuck, Jr., as a political favor to the Republican Party, as judge--even though Shattuck remained a practicing attorney during said appointment. In addition, Shattuck, who lacked the requisite credentials for such an office as judge

and who was ousted by the Second District Court of Appeals, Case No. 82 CA 29, was reinstated in Case State ex rel Schenck vs Shattuck 1982. 1 Ohio St. 3d 272 because of his "favorite son" position in the nepotism practiced by former Governor James A. Rhodes.

Complaintant asserts that such litigation is a sham, that Judson L. Shattuck, Jr. lacks the neccessary term of "practice of law"--no matter what the dcuble rhetoric has stated, that Shattuck rendered an illegal decision in Complaintant's Case No. 82-CIV-413 while he was officially ousted from the office of judge thereby knowingly and willingly establishing himself as a party to the illegal action, and. that former Governor James A. Rhodes, knowingly and willingly appointed the unqualified Judson L. Shattuck, Jr. as judge, thereby, becoming a party to the conspiracy and responsible for the aforementioned illegal judgment entry.

MEMORANDUM

> According to Black's Law Dictionary, Fifth Edition, "An attorney engages in the 'practice of law" by maintaining an office where he is held out to be an attorney, ccunseling clients in legal matters, negotiating with opposing counsel about pending

litigation, and fixing and collecting fees for services rendered by his associate. State v. Schumacher, 214 Kan. 1, 519 P2d 1116, 1127."

NOTE: Ohio R.C. 2301.01--"A total of at least six years:--Judson L. Shattuck, Jr. Does not have the necessary years of "practice of law" as is legally defined. Shattuck's appointment by Rhodes constituted a desceptive, political act of favoritism, which was upheld in the Ohio Supreme Court by conspiracy.

POINT OF FACT V. Complaintant states that on April 19, 1982, Governor James A. Rhodes had no Constitutional right or judicial power to appoint, delegate or assign an unqualified person to the bench of the State or local Courts; hence, Judson L. Shattuck, Jr. was illegally appointed to same.

Complaintant further contends the above constitutes a concerted Court action against this Complaintant as a result of the conspiracy perpetrated by the above parties to the conspiracy to undermine the Constitution of the United States and to reign supreme over the United States Government. When person or persons try to short circuit justice, or evade Con-

stitutional law for their own betterment or financial gain, or establish their own superiority over the law of this land--such actions are punishable by law.

MEMORANDUM

> In accordance with the Constitution of Ohio, Article II, Section 24, "The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law."

IN CONCLUSION, the Honorable Governor Richard Celeste, as Amicus Curiae, and Complaintant respectfully moves this Court to uphold the United States Constitution, to uphold State of Ohio statutes, as prescribed for the people, by the people.

Jurisdiction is invoked under the Constitution of Ohio and the Ohio Revised Code 3.0B, Procedure for Removal of Public Office.

DEMAND FOR RELIEF

1. To protect Complaintants' Constitutional right to a trial by a jury of their peers, impaneling a jury of eight.

2. To vacate the ex parte extortion judgment rendered

by Judson L. Shattuck, Jr. and to show just cause why he should not be removed from the office of judge, in Case No. 82-CIV-413. Further to vacate all judgments rendered in this case by the Judex Pedaneus. To declare this case a mistrial.

3. To indemnify Judson L. Shattuck, Jr. et al. to restore Complaintant of the anticipated loss of their home, in whole or part, by payment of money or replacement thereof.

4. To return the 40,340.18 supersedeas bond, plus interest computed at fair market rates, to the Complaintant, which Complaintant entrusted as an Appeals bond.

5. Finally, to remove and forbid all IMPOSTER LAWYER/JUDGES from sitting the bench of Ohio Courts, beginning with the Common Pleas Court of Greene County, Ohio, for the protection of the people and to uphold the Constitution of the United States.

Respectfully submitted,

SIGNED BY: JAMES H. COSSETT, Pro Se
ROSA ANN COSSETT, Pro Se

SEEN/REFUSED TO SIGN: NOV. 28, 1986 HON. GOVERNOR RICHARD CELESTE, as Amicus Curiae

B07B
(Rev. 6/83)

United States Bankruptcy Court

For the Southern District of Ohio
Western Division

In re

James Harold Cossett
Rosa Ann Cossett

No. 3-84-02054

Debtor,

Contested Matter (A)
All pleadings must carry
this identification letter

MERCHANTS AND MECHANICS FEDERAL
SAVINGS AND LOAN ASSOCIATION
% Jerome M. Strozdas, Attorney
310 M&M Bldg., P.O. Box 1406, Springfield, OH 45501

MOVANT(S)

VS

JAMES HAROLD COSSETT
ROSA ANN COSSETT
4289 Chippewa Trail
Jamestown, OH 45335

RESPONDENT(S)

appendix e

SUMMONS

To the above-named Defendant:

You are hereby summoned AND REQUIRED TO SERVE upon Jerome M. Strozdas, plaintiff's attorney, whose address is 310 M&M Building, P.O. Box 1406, Springfield, OH 45501, A MOTION OR AN ANSWER* to the motion which is herewith served upon you, ON OR BEFORE 10 Days from Date of Service, AND TO FILE THE MOTION OR ANSWER WITH THIS COURT not later than the second business day thereafter. IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU for the relief demanded in the complaint. NOTICE IS HEREBY GIVEN that if responsive pleadings are filed the matter will come on for a preliminary or final hearing on 12-6-84 at 1:30 o'clock P M in Courtroom 811 in the Federal Building/U.S. Courthouse, 200 West Second St., Dayton, Ohio 45402. If responsive pleading are not filed, respondent will be deemed to have consented to the lifting of the automatic stay.

CC: George W. Ledford, Trustee
9 W. National Road
Englewood, OH 45322

[Seal of the U.S. Bankruptcy Court]

ARNOLD M. MALECH
Clerk of Bankruptcy Court

By: Frank N. LeMay
Deputy Clerk

Date of issuance: November 8, 1984

App: 9

*If you make a motion, as you may in accordance with Bankruptcy Rule 702, that rule governs the time within which your answer must be served

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true copy of the foregoing Supplemental Brief & Jury Demands was served upon by United States ordinary mail to the list of parties below on November 19, 1988.

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Columbus, OH

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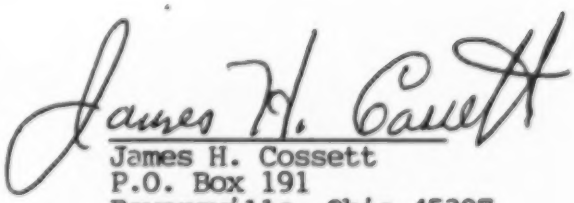

James H. Cossett
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THE END